

AMENDED IN SENATE MAY 30, 1996
AMENDED IN ASSEMBLY APRIL 29, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 2536

Introduced by Assembly Member Miller

February 21, 1996

An act to amend Sections 10208.5, ~~10210~~, ~~10213.5~~, and ~~10215~~ 10209.5, 10210, 10213.5, 10213.6, 10214.5, 10215, 10222, and 11011 of the Business and Professions Code, relating to real estate brokers, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2536, as amended, Miller. Real estate ~~brokers~~ fees.

Existing law prescribes various fees to be charged by the Real Estate Commissioner to applicants and licensees of the department and to the public for specified public reports. Under existing law, certain higher levels of fees are in effect until December 31, 1997, at which time those fees are to be replaced by certain lower levels of fees.

Existing law also provides for the Real Estate Commissioner, by regulation, to prescribe lower fees than the maximum fees otherwise prescribed by law if the balance in the Real Estate Fund exceeds a specified amount in certain fiscal years. Pursuant to Chapter 416 of the Statutes of 1993, if the commissioner does not act within a specified time frame, the provisions containing the higher fees would automatically be repealed and the provisions containing the lower fees

would automatically become operative and effective. Pursuant to that law, similar provisions would apply if any funds are transferred from the Real Estate Fund to the General Fund in certain fiscal years.

This bill would delete the December 31, 1997, termination date now applicable to the higher levels of fees, thereby extending those fees indefinitely, unless repealed pursuant to the provisions of Chapter 416 of the Statutes of 1993. Since these higher fees would be deposited into the continuously appropriated Real Estate Fund, the bill would make an appropriation. The bill would also provide that the alternative provisions containing the lower fee levels would only become operative upon failure of the commissioner to act or upon transfer of funds from the Real Estate Fund to the General Fund, as specified.

~~The Real Estate Law imposes specified fees on real estate brokers and sales persons for examination and licensing. The provisions establishing those fees will, under current law, be repealed on December 31, 1997, unless repealed earlier by the occurrence of a specified event.~~

~~This bill would delete the December 31, 1997, repeal date and would provide that the provisions shall remain in effect unless repealed by the occurrence of the specified event. The bill would also increase those fees. Since these fees would be deposited into the continuously appropriated Real Estate Fund, the bill would make an appropriation.~~

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 10208.5 of the Business and
- 2 Professions Code, as amended by Section 5 of Chapter 416
- 3 of the Statutes of 1993, is amended to read:
- 4 10208.5. The real estate broker license examination
- 5 fee is ninety-five dollars (\$95). The real estate broker
- 6 license reexamination fee is ninety-five dollars (\$95).
- 7 If an applicant fails to appear for the examination
- 8 within two years from the date of filing his or her
- 9 application and fee for the examination, his or her

1 application shall thereupon lapse and no further
2 proceedings thereon shall be taken.

3 This section shall remain in effect unless it is repealed
4 pursuant to the provisions of Section 28 of Chapter 416 of
5 the 1993–94 Regular Session.

6 SEC. 2. *Section 10208.5 of the Business and*
7 *Professions Code, as amended by Section 5.5 of Chapter*
8 *416 of the Statutes of 1993, is amended to read:*

9 10208.5. The real estate broker license examination
10 fee is fifty dollars (\$50). The real estate broker license
11 reexamination fee is fifty dollars (\$50).

12 If an applicant fails to appear for the examination
13 within two years from the date of filing his or her
14 application and fee for the examination, his or her
15 application shall thereupon lapse and no further
16 proceedings thereon shall be taken.

17 This section shall *only* become operative ~~on January 1,~~
18 ~~1998, unless it becomes operative on an earlier date~~
19 ~~pursuant to the provisions of Section 28 of the act that~~
20 ~~adds this section at the 1993 portion of the 1993–94~~
21 ~~Regular Session Chapter 416 of the Statutes of 1993.~~

22 SEC. 3. *Section 10209.5 of the Business and*
23 *Professions Code, as amended by Section 6 of Chapter 416*
24 *of the Statutes of 1993, is amended to read:*

25 10209.5. The fee for a restricted broker license shall
26 not exceed two hundred fifteen dollars (\$215).

27 This section shall remain in effect ~~until December 31,~~
28 ~~1997, and as of that date is repealed,~~ unless it is repealed
29 ~~on an earlier date pursuant to the provisions of Section 28~~
30 ~~of the act that amends this section at the 1993 portion of~~
31 ~~the 1993–94 Regular Session Chapter 416 of the Statutes~~
32 ~~of 1993.~~

33 SEC. 4. *Section 10209.5 of the Business and*
34 *Professions Code, as added by Section 6.5 of Chapter 416*
35 *of the Statutes of 1993, is amended to read:*

36 10209.5. The fee for a restricted broker license shall
37 not exceed one hundred sixty-five dollars (\$165).

38 This section shall *only* become operative ~~on January 1,~~
39 ~~1998, unless it becomes operative on an earlier date~~
40 ~~pursuant to the provisions of Section 28 of the act that~~

~~1 adds this section at the 1993 portion of the 1993-94~~
~~2 Regular Session Chapter 416 of the Statutes of 1993.~~

3 SEC. 5. Section 10210 of the Business and Professions
4 Code, as amended by Section 7 of Chapter 416 of the
5 Statutes of 1993, is amended to read:

6 10210. The fee for a real estate broker license shall not
7 exceed three hundred dollars (\$300).

8 In the case of an original applicant, the fee is payable
9 after the applicant is notified of passing the examination
10 for license.

11 This section shall remain in effect unless it is repealed
12 pursuant to the provisions of Section 28 of Chapter 416 of
13 the 1993-94 Regular Session.

14 ~~SEC. 3.~~

15 SEC. 6. Section 10210 of the Business and Professions
16 Code, as added by Section 7.5 of Chapter 416 of the
17 Statutes of 1993, is amended to read:

18 10210. The fee for a real estate broker license shall not
19 exceed one hundred sixty-five dollars (\$165).

20 In the case of an original applicant, the fee is payable
21 after the applicant is notified of passing the examination
22 for license.

23 This section shall *only* become operative ~~on January 1,~~
24 ~~1998, unless it becomes operative on an earlier date~~
25 pursuant to the provisions of Section 28 of the act that
26 ~~adds this section at the 1993 portion of the 1993-94~~
27 ~~Regular Session Chapter 416 of the Statutes of 1993.~~

28 SEC. 7. Section 10213.5 of the Business and
29 Professions Code, as amended by Section 8 of Chapter 416
30 of the Statutes of 1993, is amended to read:

31 10213.5. The real estate salesperson license
32 examination fee is sixty dollars (\$60). The real estate
33 salesperson license reexamination fee is sixty dollars
34 (\$60).

35 If an applicant fails to appear for the examination
36 within two years from the date of filing his or her
37 application and fee for the examination, his or her
38 application shall thereupon lapse and no further
39 proceedings thereon shall be taken.

1 This section shall remain in effect unless it is repealed
2 pursuant to the provisions of Section 28 of Chapter 416 of
3 the 1993–94 Regular Session.

4 ~~SEC. 4.~~

5 *SEC. 8. Section 10213.5 of the Business and*
6 *Professions Code, as added by Section 8.5 of Chapter 416*
7 *of the Statutes of 1993, is amended to read:*

8 10213.5. The real estate salesperson license
9 examination fee is twenty-five dollars (\$25). The real
10 estate salesperson license reexamination fee is
11 twenty-five dollars (\$25).

12 If an applicant fails to appear for the examination
13 within two years from the date of filing his or her
14 application and fee for the examination, his or her
15 application shall thereupon lapse and no further
16 proceedings thereon shall be taken.

17 This section shall *only* become operative ~~on January 1,~~
18 ~~1998, unless it becomes operative on an earlier date~~
19 ~~pursuant to the provisions of Section 28 of the act that~~
20 ~~adds this section at the 1993 portion of the 1993–94~~
21 ~~Regular Session Chapter 416 of the Statutes of 1993.~~

22 *SEC. 9. Section 10213.6 of the Business and*
23 *Professions Code, as amended by Section 9 of Chapter 416*
24 *of the Statutes of 1993, is amended to read:*

25 10213.6. If an applicant for any examination fails to
26 take the examination on the date scheduled, he or she
27 may make application in writing to the principal office of
28 the department in Sacramento for a new date. A fee of
29 twenty dollars (\$20) shall accompany the written request
30 for applying for the first new examination date in the case
31 of a broker applicant, and a fee of fifteen dollars (\$15)
32 shall accompany the written request for the first new
33 examination date in the case of a salesperson applicant. A
34 fee of thirty dollars (\$30) shall accompany the written
35 request for all subsequent new examination dates for both
36 broker and salesperson applicants.

37 This section shall remain in effect ~~until December 31,~~
38 ~~1997, and as of that date is repealed,~~ unless it is repealed
39 ~~on an earlier date~~ pursuant to the provisions of Section 28
40 ~~of the act that amends this section at the 1993 portion of~~

1 ~~the 1993-94 Regular Session Chapter 416 of the Statutes~~
2 ~~of 1993.~~

3 SEC. 10. Section 10213.6 of the Business and
4 Professions Code, as added by Section 9.5 of Chapter 416
5 of the Statutes of 1993, is amended to read:

6 10213.6. If an applicant for any examination fails to
7 take the examination on the date scheduled, he or she
8 may make application in writing to the principal office of
9 the department in Sacramento for a new date. A fee of
10 fifteen dollars (\$15) shall accompany the written request
11 for applying for the first new examination date in the case
12 of a broker applicant, and a fee of ten dollars (\$10) shall
13 accompany the written request for the first new
14 examination date in the case of a salesperson applicant. A
15 fee of twenty-five dollars (\$25) shall accompany the
16 written request for all subsequent new examination dates
17 for both broker and salesperson applicants.

18 This section shall *only* become operative ~~on January 1,~~
19 ~~1998, unless it becomes operative on an earlier date~~
20 pursuant to the provisions of Section 28 of the act that
21 ~~adds this section at the 1993 portion of the 1993-94~~
22 ~~Regular Session Chapter 416 of the Statutes of 1993.~~

23 SEC. 11. Section 10214.5 of the Business and
24 Professions Code, as amended by Section 10 of Chapter
25 416 of the Statutes of 1993, is amended to read:

26 10214.5. The fee for a restricted salesperson license
27 shall not exceed one hundred seventy dollars (\$170),
28 except that for an applicant qualifying pursuant to
29 Section 10153.4 who has not satisfied all of the educational
30 requirements prior to issuance of the license, the fee shall
31 not exceed one hundred ninety-five dollars (\$195).

32 This section shall remain in effect ~~until December 31,~~
33 ~~1997, and as of that date is repealed,~~ unless it is repealed
34 ~~on an earlier date~~ pursuant to the provisions of Section 28
35 of the act that ~~amends this section at the 1993 portion of~~
36 ~~the 1993-94 Regular Session Chapter 416 of the Statute of~~
37 ~~1993.~~

38 SEC. 12. Section 10214.5 of the Business and
39 Professions Code, as added by Section 10.5 of Chapter 416
40 of the Statutes of 1993, is amended to read:

1 10214.5. The fee for a restricted salesperson license
2 shall not exceed one hundred twenty dollars (\$120).

3 This section shall *only* become operative ~~on January 1,~~
4 ~~1998, unless it becomes operative on an earlier date~~
5 pursuant to the provisions of Section 28 of the act that
6 ~~adds this section at the 1993 portion of the 1993-94~~
7 ~~Regular Session Chapter 416 of the Statutes of 1993.~~

8 SEC. 13. Section 10215 of the Business and Professions
9 Code, as amended by Section 11 of Chapter 416 of the
10 Statutes of 1993, is amended to read:

11 10215. The fee for a real estate salesperson license
12 shall not exceed two hundred forty-five dollars (\$245),
13 except that for an applicant qualifying pursuant to
14 Section 10153.4 who has not satisfied all of the educational
15 requirements prior to issuance of the license, the fee shall
16 not exceed two hundred seventy-five dollars (\$275).

17 In the case of an original applicant, the fee is payable
18 after the applicant is notified of passing the examination
19 for license.

20 This section shall remain in effect unless it is repealed
21 pursuant to the provisions of Section 28 of Chapter 416 of
22 the 1993-94 Regular Session.

23 SEC. 14. Section 10215 of the Business and Professions
24 Code, as added by Section 11.5 of Chapter 416 of the
25 Statutes of 1993, is amended to read:

26 10215. The fee for a real estate salesperson license
27 shall not exceed one hundred twenty dollars (\$120),
28 except that for an applicant qualifying pursuant to
29 Section 10153.4 who has not satisfied all of the educational
30 requirements prior to issuance of the license, the fee shall
31 not exceed one hundred forty-five dollars (\$145).

32 In the case of an original applicant, the fee is payable
33 after the applicant is notified of passing the examination
34 for license.

35 This section shall *only* become operative ~~on January 1,~~
36 ~~1998, unless it becomes operative on an earlier date~~
37 pursuant to the provisions of Section 28 of the act that
38 ~~adds this section at the 1993 portion of the 1993-94~~
39 ~~Regular Session Chapter 416 of the Statutes of 1993.~~

1 *SEC. 15. Section 10222 of the Business and Professions*
2 *Code, as amended by Section 12 of Chapter 416 of the*
3 *Statutes of 1993, is amended to read:*

4 10222. For any examination required under any order
5 issued pursuant to the provisions of the Administrative
6 Procedure Act, the fee is thirty dollars (\$30) for
7 salespersons and sixty dollars (\$60) for brokers.

8 This section shall remain in effect ~~until December 31,~~
9 ~~1997, and as of that date is repealed,~~ unless it is repealed
10 ~~on an earlier date pursuant to the provisions of Section 28~~
11 ~~of the act that amends this section at the 1993 portion of~~
12 ~~the 1993-94 Regular Session Chapter 416 of the Statutes~~
13 ~~of 1993.~~

14 *SEC. 16. Section 10222 of the Business and Professions*
15 *Code, as added by Section 12.5 of Chapter 416 of the*
16 *Statutes of 1993, is amended to read:*

17 10222. For any examination required under any order
18 issued pursuant to the provisions of the Administrative
19 Procedure Act, the fee is twenty-five dollars (\$25) for
20 salespersons and fifty dollars (\$50) for brokers.

21 This section shall *only* become operative ~~on January 1,~~
22 ~~1998, unless it becomes operative on an earlier date~~
23 ~~pursuant to the provisions of Section 28 of the act that~~
24 ~~adds this section at the 1993 portion of the 1993-94~~
25 ~~Regular Session Chapter 416 of the Statutes of 1993.~~

26 *SEC. 17. Section 11011 of the Business and Professions*
27 *Code, as amended by Section 27 of Chapter 416 of the*
28 *Statutes of 1993, is amended to read:*

29 11011. (a) The commissioner may by regulation
30 prescribe filing fees in connection with applications to the
31 Department of Real Estate pursuant to the provisions of
32 this chapter which are lower than the maximum fees
33 specified in subdivision (b) if the commissioner
34 determines that the lower fees are sufficient to offset the
35 costs and expenses incurred in the administration of this
36 chapter. The commissioner shall hold at least one hearing
37 each calendar year to determine if lower fees than those
38 specified in subdivision (b) should be prescribed.

39 (b) The filing fee for an application for a public report
40 to be issued under authority of this chapter shall not

1 exceed the following for each subdivision or phase of a
2 subdivision in which interests are to be offered for sale or
3 lease:

4 (1) A notice of intention without a completed
5 questionnaire: One hundred fifty dollars (\$150).

6 (2) An original public report for subdivision interests
7 described in Section 11004.5: One thousand seven
8 hundred dollars (\$1,700) plus ten dollars (\$10) for each
9 subdivision interest to be offered.

10 (3) An original public report for subdivision interests
11 other than those described in Section 11004.5: Six
12 hundred dollars (\$600) plus ten dollars (\$10) for each
13 subdivision interest to be offered.

14 (4) A conditional public report for subdivision
15 interests described in Section 11004.5: Five hundred
16 dollars (\$500).

17 (5) A conditional public report for subdivision
18 interests other than those described in Section 11004.5:
19 Five hundred dollars (\$500).

20 (6) A preliminary public report for subdivision
21 interests described in Section 11004.5: Five hundred
22 dollars (\$500).

23 (7) A preliminary public report for subdivision
24 interests other than those described in Section 11004.5:
25 Five hundred dollars (\$500).

26 (8) A renewal public report for subdivision interests
27 described in Section 11004.5: Six hundred dollars (\$600).

28 (9) A renewal public report for subdivision interests
29 other than those described in Section 11004.5: Six
30 hundred dollars (\$600).

31 (10) An amended public report for subdivision
32 interests described in Section 11004.5: Five hundred
33 dollars (\$500) plus ten dollars (\$10) for each subdivision
34 interest to be offered under the amended public report
35 for which a fee has not previously been paid.

36 (11) An amended public report to offer subdivision
37 interests other than those described in Section 11004.5:
38 Five hundred dollars (\$500) plus ten dollars (\$10) for
39 each subdivision interest to be offered under the

1 amended public report for which a fee has not previously
2 been paid.

3 (c) The actual subdivision fees established by
4 regulation under authority of this section and Section
5 10249.3 shall not exceed the amount reasonably required
6 by the department to administer the provisions of this
7 part and the provisions of Article 8 (commencing with
8 Section 10249) of Chapter 3 of Part 1.

9 (d) All fees collected by the department under
10 authority of this chapter shall be deposited into the Real
11 Estate Fund under Chapter 6 (commencing with Section
12 10450) of Part 1. All fees received by the department
13 pursuant to the provisions of this chapter shall be deemed
14 earned upon receipt. No part of any fee is refundable
15 unless the commissioner determines that it was paid as
16 the result of a mistake or inadvertence.

17 This section shall remain in effect ~~until December 31,~~
18 ~~1997, and as of that date is repealed,~~ unless it is repealed
19 ~~on an earlier date~~ pursuant to the provisions of Section 28
20 ~~of the act that amends this section at the 1993 portion of~~
21 ~~the 1993-94 Regular Session Chapter 416 of the Statutes~~
22 ~~of 1993.~~

